

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IFW

In re Application of: T. UEDA et al
 Application No.: 10/539,608
 Filed: December 13, 2005
 For: MATERIAL FOR SHADOW MASK...



Art Unit: 2809
 Examiner: C.R. Blease
 Washington, D.C.
 Atty.'s Docket: UEDA=7
 Confirmation No.: 6374
 Date: April 13, 2007

Customer Service Window, **Mail Stop Amendment**
 Honorable Commissioner for Patents
 U.S. Patent and Trademark Office
 Randolph Building, 401 Dulany Street
 Alexandria, Virginia 22314

Sir:

Transmitted herewith is a REPLY TO RESTRICTION REQUIREMENT in the above-identified application.

- ☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.
☒ No additional fee is required.
☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 25	\$
x 100	\$
+ 180	\$
ADDITIONAL FEE TOTAL	
	\$

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 50	\$
x 200	\$
+ 360	\$
TOTAL	
	\$

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- ☐ First - \$ 60.00
☐ Second - \$ 225.00
☐ Third - \$ 510.00
☐ Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- ☐ First - \$ 120.00
☐ Second - \$ 450.00
☐ Third - \$ 1020.00
☐ Fourth - \$ 1590.00

Month After Time Period Set

☐ Less fees (\$) already paid for month(s) extension of time on .

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$.

☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.

☐ A check in the amount of \$ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 6374
)	
Toshiyuki UEDA et al)	Art Unit: 2809
)	
I.A. Appln. PCT/JP03/010403)	Examiner: C. R. Blease
Appln. No.: 10/539,608)	
)	
Filing Date: August 13, 2003)	April 13, 2007
371(c) Date: December 13, 2005)	
)	
For: MATERIAL FOR SHADOW MASK,)	ATTY.'S DOCKET: UEDA=7
PROCESS FOR PRODUCING...)	

REPLY TO RESTRICTION REQUIREMENT

Customer Service Window, Mail Stop Amendment
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, 401 Dulany Street
Alexandria, Virginia 22314

Sir:

Applicants are in receipt of an Office Action mailed March 16, 2007, entirely in the nature of a restriction requirement. Applicants reply below.

First, however, applicants respectfully request the PTO to acknowledge receipt of applicants' papers filed under Section 119.

Restriction has been required among what the PTO deems to be two (2) patentably distinct inventions. As applicants must make an election even though the requirement is traversed, applicants hereby respectfully and provisionally elect Group I relating to a shadow mask material, a shadow

Appln. No. 10/539,608
Amd. dated April 13, 2007
Reply to Office Action of March 16, 2007

mask and products utilizing such shadow mask, presently claims 1, 2 and 6-15, with traverse and without prejudice.

Based on the Office Action, it appears that the restriction has been based on standard restriction practice rather than on unity of invention practice under the applicable PCT Rules 13.1 and 13.2, which PCT rules apply in this case in view of the fact that the present application is the U.S. national phase of PCT/JP03/010403. If the applicable PCT rules are applied, then it will be seen that there should be no restriction requirement, i.e. there is no lack of unity of invention, because all the claims share the same or corresponding feature, namely the composition as recited in all the independent claims 1-5.

Accordingly, the applicants respectfully request the PTO to withdraw the requirement and provide an examination on the merits of all the claims in the present application.

Applicants now respectfully await the results of a first examination on the merits.

Respectfully submitted,
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Attorneys for Applicant

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